



Special Education Advisory Committee

**Distance/Virtual Learning for Students with Medical
Disabilities**

Recommendation Summary

October 6, 2021

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Distance/Virtual Learning for Students with Medical Disabilities

In the spring of 2021, current trends in the COVID-19 global viral pandemic appeared to be headed in a promising direction. Vaccination rates were increasing, cases were decreasing, and children were rarely stricken. The prevailing belief was that nearly all students could safely return to five day in-person instruction in the fall. The Virginia General Assembly mandated that all public-school systems offer a five-day in-person option (with some exceptions).

In the spring of 2021, LCPS set up a Distance/Virtual learning program option for the 2021–2022 school year. It required that students submit medical justification to staff by a specified deadline in June. A staff committee then decided whether to permit the student to be assigned to the program. The program was created with a specific, small, number of budgeted teachers. Due to an unexpectedly low rate of initial applications, the criteria were expanded to consider medical disabilities of family members and the application deadline was extended.

During the summer of 2021, a COVID-19 variant, referred to as “Delta,” that appears to have higher transmissibility, significantly changed the predicted course of events in the pandemic. Cases have been increasing throughout the summer, “break-through” infections have been discovered among vaccinated persons at a significant rate, and children are being infected and dying of this new variant at a significant rate. Approval of vaccines for children aged 5-11 is taking longer than was hoped in the spring, and an unexpected number of persons are refusing to get vaccinated.

As a result of these events, the current risks of in-person attendance are significantly worse than what most experts and families predicted in the spring.

As conditions changed during the summer, many families tried to apply for distance/virtual learning after the deadline and were denied. They were told that they should have applied by the deadline, were told that there wasn’t capacity left, and were told that they can pay for a private school distance/virtual learning program.

Different students and families have different risk profiles for the COVID-19. Some students have specific medical conditions that put them at far higher risk, compared with other students, of either or both of getting COVID-19 or suffering severe illness from it. Students with medical conditions that put them at higher risk of COVID-19 do not have the same ability to safely access in-person education as their peers.

It is not equitable to demand that families must put their students at significant risk of serious illness or death as their only practical option to receive an education.

It is not reasonable that LCPS denies students' equity needs, telling them that it was after LCPS's arbitrary deadline or exceeds LCPS's arbitrary budget.

Summary of Concerns

Concern 1: Students with medical disabilities are a constituency that have not been thought about or well served by LCPS before or during the pandemic.

Concern 2: Students with medical disabilities that put them at higher risk of COVID-19 do not have the same ability to safely access in-person education as their peers. What might be reasonable risk management trade-offs for the general population of students is not reasonable for some students with medical disabilities.

Concern 3: Neither section 504, nor the IDEA, nor the School Board's equity agenda, have provisions for arbitrary deadlines or capacity caps. This goes strongly against the principle of providing every student equitable and equal access to an education.

Concern 4: Families of students with medical disabilities often believe they have no other options but to remove their child from school.

Recommendations and Concerns

Recommendation 1: SEAC recommends that the school board take all necessary steps to provide an education to students whose medical disability precludes or makes in person learning unsafe.

- See community concerns 1 – 4.
- LCPS should review and reconsider every denied request and give every impacted family a reasonable solution
- The school board should first explore whether it is possible to add capacity to its in-house or Virtual Virginia based programs
- If not, LCPS should explore the use of other contracted programs
- A full continuum of safe schooling options must be offered that provide equal access
- IEP services must be provided

SEAC Membership Vote

SEAC Membership Vote on Recommendations

Membership Quorum: 15 members, 13 members present

Vote Summary: 12 yes, 1 abstain